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10/042,616	01/09/2002	Mark J. Flanagan	2001P18375US	7020

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EXAMINER

ROCHE, TRENTON J

ART UNIT

PAPER NUMBER

2193

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/042,616

Applicant(s)

FLANAGAN, MARK J.

Examiner

Trenton J. Roche

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is responsive to communications filed 16 November 2005.
2. As per Applicant's request, amended claims 1-8, 10-17 and 19-31 have been entered. Claims 1-31 are currently pending.
3. Claims 1-31 have been examined.

Response to Amendment

4. The Declaration filed on 16 November 2005 under 37 CFR 1.131 is sufficient to overcome the Codestriker reference.

Response to Arguments

5. Applicant's arguments, see pages 9 and 10 of the Remarks, filed 16 November 2005, with respect to the rejection(s) of claim(s) 1-31 under 35 U.S.C. §§ 102(e) and 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-16 and 18-30 are rejected under 35 U.S.C. 102(b) as being anticipated by "ICICLE: Groupware For Code Inspection" by Brothers et al. (hereinafter "Brothers").

Per claim 1:

Brothers discloses:

- a review facility for providing a document for review by a plurality of reviewers and collecting comments from reviewers (“ICICLE...is a multifarious software system intended to augment the process of formal code inspection...including knowledge-based analysis and annotations of source code, and computer supported cooperative discussion and finalization of inspectors’ comments during inspection meetings...” in the abstract, page 169.)
- preparation means for preparing a document for interactive review, means for making prepared documents available for interactive collaborative review (“As the Reader scrolls from place to place or views different files, all the inspectors’ code windows move with that of the Reader...” on page 173)
- means for collecting comments on blocks of text in said prepared documents from said interactive collaborative review (“When an inspector proposes a comment, a small windows with the text of the comment pops up onto every inspectors’ screen. This window gives the source and text of the comment.” on page 174.)
- means for distributing collected said comments from said interactive collaborative review (“When an inspector proposes a comment, a small windows with the text of the comment pops up onto every inspectors’ screen. This window gives the source and text of the comment.” on page 174. Further, “the merged comment file which is the output of the code inspection meeting.” on page 174.)

substantially as claimed.

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Per claim 2:

The rejection of claim 1 is incorporated, and further, Brothers discloses a selection means for selecting and retrieving said document, and means for formatting retrieved said documents as claimed (“As the Reader scrolls from place to place or views different files, all the inspectors’ code windows move with that of the Reader.” on page 173. The Reader must make a selection of a file.)

Per claim 3:

The rejection of claim 2 is incorporated, and further, Brothers discloses identifying individual blocks of text within said document, reviewers providing comments on ones of said individual blocks of text as claimed (Note Figures 1 and 2. “The symbols to the left of some of the lines of code in Figure 1 denote the presence of comments or annotations associated with the source code...When the user selects one of these symbols via a mouse click a “comment window”...pops up...Users may also enter their own comments through this window.” on page 172)

Per claim 4:

The rejection of claim 3 is incorporated, and further, Brothers discloses source code blocks, and individual lines of source code, as well as building a comment file as claimed (Note Figures 1 and 2. “The symbols to the left of some of the lines of code in Figure 1 denote the presence of comments or annotations associated with the source code...When the user selects one of these symbols via a mouse click a “comment window”...pops up...Users may also enter their own comments through this window.” on page 172. Further, “An ‘accepted’ comment is stored in a file...merged comment file which is the output...” on page 174.

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Per claim 5:

The rejection of claim 3 is incorporated, and further, note the rejection of claim 4.

Per claim 6:

The rejection of claim 1 is incorporated, and further, Brothers discloses means for providing documents to reviewers, and reviewer selection means for selecting said documents for review responsive to reviewer selection as claimed (“inspectors may wish to view other parts of the module than the one current being described...inspectors are able to scroll the second window freely...” on page 173.)

Per claims 7 and 8:

The rejection of claim 6 is incorporated, and further, claims 7 and 8 are rejected for the reasons set forth in connection with claims 4 and 5, respectively.

Per claim 9:

The rejection of claim 1 is incorporated, and further, Brothers discloses means for conducting a formal review, said formal review considering collected comments by reviewers participating in said formal review and previously distributed to said reviewers by said means for distributing collected comments as claimed (“proposing a comment to the inspection committee...The inspectors may now discuss the validity of the comment...The status of a proposed comment is recorded by the Scribe.” on page 174)

Per claim 10:

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Brothers discloses:

- a method of reviewing a document being prepared for distribution, said method comprising the steps of preparing a document for interactive review (“As the Reader scrolls from place to place or views different files, all the inspectors’ code windows move with that of the Reader...” on page 173)
- making said prepared document available to a plurality of reviewers for comments on blocks of text, one of said plurality of reviewers returning comments on said prepared document (“When an inspector proposes a comment, a small windows with the text of the comment pops up onto every inspectors’ screen. This window gives the source and text of the comment.” on page 174.)
- conducting a formal review meeting of said plurality of reviewers, whereby one or more of the previously provided comments sufficiently provides attending reviewers awareness of a particular condition with respect to said document that said comment may be addressed in said document prior to said formal review meeting, such that further action is unnecessary at the time of said formal review with respect to said particular condition and each corresponding said comment (“proposing a comment to the inspection committee...The inspectors may now discuss the validity of the comment...The status of a proposed comment is recorded by the Scribe.” on page 174)

substantially as claimed.

Per claim 11:

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The rejection of claim 10 is incorporated, and further, Brothers discloses retrieving said document for review, and formatting said document, individual blocks of text being identified for comment in said formatted document as claimed (Note Figures 1, 2 and 3 and the corresponding discussion.)

Per claims 12 and 13:

The rejection of claim 11 is incorporated, and further, claims 12 and 13 are rejected for the reasons set forth in connection with claims 4 and 5, respectively.

Per claim 14:

The rejection of claim 10 is incorporated, and further, Brothers discloses selecting said document, reviewing comments on said selected document, determining whether said selected document warrants additional comments, distributing warranted additional comments on said selected document, and repeating the steps until all items for review have been selected as claimed (“As the Reader scrolls from one place to place or views different files...an inspector may interrupt the flow of activity...by proposing a comment to the inspection committee...When the Scribe clicks on the ‘accept’ or ‘reject’ buttons, all the other inspectors’ proposal windows vanish, and the floor is once again free for the Reader to continue traversing the module...” on pages 173 and 174.)

Per claims 15 and 16:

The rejection of claim 14 is incorporated, and further, claims 15 and 16 are rejected for the reasons set forth in connection with claims 4 and 5, respectively.

Per claim 18:

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The rejection of claim 10 is incorporated, and further, Brothers discloses the returned comments being available for display by reviewers upon receipt as claimed (“When an inspector proposes a comment, a small window with the text of the comment pops up onto every inspectors’ screen” on page 174)

Per claim 19:

Claim 19 recites a computer program product for performing the actions of the review facility as disclosed in claim 1, and is rejected for the reasons set forth in connection with claims 1 and 10.

Per claim 20:

The rejection of claim 19 is incorporated, and further, note the rejection regarding claim 2.

Per claim 21:

The rejection of claim 20 is incorporated, and further, note the rejection regarding claim 3.

Per claims 22 and 23:

The rejection of claim 21 is incorporated, and further, claims 22 and 23 are rejected for the reasons set forth in connection with claims 4 and 5, respectively.

Per claim 24:

The rejection of claim 19 is incorporated, and further, note the rejection regarding claim 6.

Per claims 25 and 26:

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The rejection of claim 24 is incorporated, and further, claims 25 and 26 are rejected for the reasons set forth in connection with claims 4 and 5, respectively.

Per claim 27:

Claim 27 recites a computer-readable medium for performing the method of claim 10, and is rejected for the reasons set forth in connection with claim 10.

Per claim 28:

The rejection of claim 27 is incorporated, and further, note the rejection regarding claim 11.

Per claims 29 and 30:

The rejection of claim 28 is incorporated, and further, claims 29 and 30 are rejected for the reasons set forth in connection with claims 5 and 4, respectively.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 17 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over "ICICLE: Groupware For Code Inspection" by Brothers et al. (hereinafter "Brothers") in view of U.S. Patent 6,199,193 to Oyagi et al. (hereinafter "Oyagi").

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Per claim 17:

The rejection of claim 14 is incorporated, and further, while Brothers discloses a desire for implementing an ISDN based "Tele"-ICICLE, Brothers does not explicitly disclose the documents being stored in a central repository and selecting said documents comprises connecting over the Internet to said central repository and accessing said documents. Oyagi discloses in an analogous software review system the use of a central repository and the selection of information over the Internet as claimed (Note Figure 4 and the corresponding sections of the disclosure. The items are kept on the development computer, and once an item is selected, a replica of the item is replicated on the user's screen for comments.) It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the review system of Brothers with the Internet-based review capability of Oyagi, as this would allow code inspection meetings to take place over distances, as suggested by Brothers on page 173.

Per claim 31:

The rejection of claim 27 is incorporated, and further, note the rejection regarding claim 17.

Conclusion

10. The prior art made of record and not relied upon is considered highly pertinent to applicant's disclosure.

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- U.S. Patent 5,950,217 to Heinlein et al. which discloses a multi-user collaborative environment for receiving information from a central repository, and enabling users of the group to add comments via the network.
- U.S. Patent 6,507,865 to Hanson et al. which discloses a network based collaboration system wherein users can provide comments.
- U.S. Patent 5,799,320 to Klug which discloses real-time editing and interactive review of files resident on a network computer by a plurality of users, wherein changes are sent to each of the plurality of computers so that changes can be viewed by all participants. Participants may also comment on changes via a communication link.
- “Shared Workspaces for Real-Time Collaboration in Distributed Networks: Concepts, Techniques, Problems” by H. M. Abdel-Wahab et al. which discloses collaborative review sessions via local area networks, wherein users can provide comments during sessions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trenton J. Roche whose telephone number is (571) 272-3733. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571) 272-3719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Trenton J Roche
Examiner
Art Unit 2193

TJR


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